

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA**  
**Plaintiff**

**v.**

**Case Number 4:08cr3132-001**

**USM Number 09268-073**

**DARWIN LONG**  
**Defendant**

**MICHAEL J. HANSEN**

**Defendant's Attorney**

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**JUDGMENT IN A CRIMINAL CASE  
(For Revocation of Probation or Supervised Release)**

**THE DEFENDANT** admitted guilt to violation of mandatory conditions, standard condition 7, special conditions 1 and 9 of the term of supervision.

**ACCORDINGLY**, the court has adjudicated that the defendant is guilty of the following offenses:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Date Violation Concluded</u>
1. (Mandatory Condition)	The defendant shall not commit another federal, state, or local crime.	March 8, 2009
2. (Mandatory Condition)	The defendant shall not commit another federal, state, or local crime.	April 21 2009
4. (Standard Condition #7)	the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.	July 6, 2009
5. (Special Condition #1)	The defendant shall not consume any alcoholic beverages or frequent establishments whose primary business is the sale of alcoholic beverages.	March 8, 2009
6. (Special Condition #9)	The defendant shall pay restitution as ordered.	To date

7. (Special Condition #1)

The defendant shall not consume any alcoholic beverages or frequent establishments whose primary business is the sale of alcoholic beverages

April 3, 2010

Original Offense: Involuntary Manslaughter in violation of 18:1112 and 18:1153

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Allegation 3 of the amended petition [filing 14] and the original petition [filing 5] are dismissed on the motion of the United States.

Following the imposition of sentence, the Court advised the defendant of the right to appeal pursuant to the provisions of Fed. R. Crim. P. 32 and the provisions of 18 U.S.C. § 3742 (a) and that such Notice of Appeal must be filed with the Clerk of this Court within fourteen (14) days of this date.

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence:  
May 28, 2010

*Richard G. Kopf*  
United States District Judge

June 2, 2010

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### IMPRISONMENT

It is ordered supervised release is revoked. The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **twenty- four (24) months with no supervised release to follow.**

The Court makes the following recommendations to the Bureau of Prisons:

1. That the defendant be incarcerated at the **camp at Yankton, South Dakota.**

The defendant is remanded to the custody of the United States Marshal.

### ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge receipt of a copy of this judgment this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

### RETURN

It is hereby acknowledged that the defendant was delivered on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES WARDEN

By: \_\_\_\_\_

**NOTE: The following certificate must also be completed if the defendant has not signed the Acknowledgment of Receipt, above.**

### CERTIFICATE

It is hereby certified that a copy of this judgment was served upon the defendant this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES WARDEN

By: \_\_\_\_\_

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## CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

### Total Assessment

**\$100.00 (paid)**

### Total Fine

### Total Restitution

**\$14,869.00 (Balance of  
\$13,715.08 remains)**

The Court has determined that the defendant does not have the ability to pay interest and it is ordered that interest requirement is waived.

## FINE

No fine imposed.

## RESTITUTION

Restitution in the amount of \$14,869.00 is ordered.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(I), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>**Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
Nellie Bald Eagle	\$8500.00	\$8500.00	Percentage
Robert Running Bear	\$6,369.00	\$6,369.00	Percentage
<b>Totals</b>	<b>\$14,869.00</b>	<b>\$14,869.00</b>	

\*\*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

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### **SCHEDULE OF PAYMENTS**

The defendant shall pay the special assessment in the amount of \$100.00. (PAID)

The criminal monetary penalty is due in full on the date of the judgment. The defendant is obligated to pay said sum immediately if he or she has the capacity to do so. The United States of America may institute civil collection proceedings at any time to satisfy all or any portion of the criminal monetary penalty.

Payment of the total restitution and other criminal monetary penalties shall be due in regular quarterly installments of 50% of the deposits in the defendant's inmate trust account while the defendant is in custody. Any portion of the monetary obligations not paid in full prior to the defendant's release from custody shall be due in monthly installments of \$50.00, such payments to begin 60 days following the defendant's release.

Any payments made on the outstanding criminal monetary penalty shall be applied in the following order of priority: special assessment; restitution; fine; and other penalties. Unless otherwise specifically ordered, all criminal monetary penalty payments, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, shall be made to the clerk of the Court. Unless otherwise specifically ordered, interest shall not accrue on the criminal monetary penalty.

All financial penalty payments are to be made to the Clerk of Court for the District of Nebraska, 100 Centennial Mall North, 593 Federal Building, Lincoln, NE 68508.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

The defendant is restrained from transferring any real or personal property, unless it is necessary to liquidate and apply the proceeds of such property as full or partial payment of the criminal monetary penalty.

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CLERK'S OFFICE USE ONLY:  
ECF DOCUMENT

I hereby attest and certify this is a printed copy of a  
document which was electronically filed with the  
United States District Court for the District of Nebraska.

Date Filed: \_\_\_\_\_  
DENISE M. LUCKS, CLERK

By \_\_\_\_\_ Deputy Clerk